

09-04-01

A

Docket No. 2026-4006US5

Express Mail No. EL912003644US



27123

PATENT TRADEMARK OFFICE



↑AFFIX CUSTOMER NO. LABEL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))

Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

- (1) George N. PAVLAKIS  
9 Purdue Court  
Rockville, Maryland 20850, U.S.A.
- (2) Barbara K. FELBER  
9 Purdue Court  
Rockville, Maryland 20850, U.S.A.

For: METHOD OF ELIMINATING INHIBITORY/INSTABILITY REGIONS OF mRNA

Enclosed Are:

- 86 page(s) of Specification
- 1 page(s) of Abstract
- 7 page(s) of Claims (1-45)
- 18 sheets of ☐ Formal ☒ Informal drawings (Figs. 1-14)
- 2 page(s) of Declaration and Power of Attorney (executed 10/24/94) copied from prior application
- ☒ Associate Power of Attorney (executed 4/27/95) copied from prior application
- ☒ 3 page(s) of Supplemental Declaration and Power of Attorney (executed 1/28/98 and 1/29/98), copied from prior application (attached as Exhibit D to the Preliminary Amendment enclosed herewith)
- ☒ Associate Power of Attorney (executed 2/25/98), copied from prior application (attached as Exhibit D to the Preliminary Amendment enclosed herewith)
- ☒ Change of Correspondence Address (executed 2/25/98), copied from prior application (attached as Exhibit D to the Preliminary Amendment enclosed herewith)

☐ **REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

☒ Incorporation by Reference:

☒ The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

☒ 34 page(s) of Sequence Listing (attached as Exhibit A to the Preliminary Amendment enclosed herewith)

☐ computer readable disk containing Sequence Listing

☒ Letter Requesting Transfer of Computer Readable Form of Sequence Listing which was first filed in Parent Application Ser. No. 08/850,049 and then transferred to Parent Application Ser. No. 09/414,117 filed October 8, 1999 and then transferred to Parent Application Ser. No. 09/678,437, filed October 2, 2000 (attached as Exhibit B to the Preliminary Amendment enclosed herewith)

☒ Statement under 37 C.F.R. § 1.821(f) that computer and paper copies of the Sequence Listing are the same (attached as Exhibit C to the Preliminary Amendment enclosed herewith)

☒ Assignment Papers (assignment cover sheet and assignment documents)

☐ A check in the amount of \$40.00 for recording the Assignment

☐ Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. \_\_\_\_.

☒ Assignment Papers filed in the parent application Serial No. 09/678,437 (which were copied from the assignment filed in Serial No. 08/050,478, executed May 13, 1993)

☐ Certification of chain of title pursuant to 37 C.F.R. §3.73(b)

☐ Priority is claimed under 35 U.S.C. §119 for:  
Application No(s). \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (country).

☐ Certified Copy of Priority Document(s) [\_\_\_\_\_]

☐ filed herewith

☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ English translation document(s) [\_\_\_\_\_]

☐ filed herewith

☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ Priority is claimed under 35 U.S.C. §119(e) for:  
Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_.

- ☐ Information Disclosure Statement
- ☐ Copy of [\_\_\_\_\_] cited references
- ☐ PTO Form-1449
- ☐ References cited in parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
- ☐ A copy of related pending U.S. Application(s) Serial No(s): \_\_\_\_\_, filed \_\_\_\_\_, respectively, is attached hereto.
- ☐ A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.
- ☐ A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
- ☒ Preliminary Amendment (with Exhibits A-D)
- ☒ Return receipt postcard (MPEP 503)
- ☒ This is a ☒ continuation ☐ divisional ☐ continuation-in-part of prior application serial no. 09/678,437, filed October 2, 2000, to which priority under 35 U.S.C. §120 is claimed.
- ☒ Cancel in this application original claims 3-5, 21, 23-24, 30 and 34-45 of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- ☒ The status of the parent application is as follows:
- ☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☐ Amend the specification by inserting before the first line the sentence:  
This is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$710.00/355.00
Total Claims	44 - 20 =	24 x	\$18.00/ \$9.00	\$ 432.00
Independent Claims	4 - 3 =	1 x	\$80.00/ \$40.00	\$ 80.00
<input checked="" type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$270.00 (\$135.00)		\$ 270.00
TOTAL:				\$ 1492.00

- ☐ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$\_\_\_\_\_.
- ☒ A check in the amount of \$1492.00 in payment of the application filing fees is attached.
- ☐ Charge fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2026-4006US5. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: August 31, 2001

By: Mary J. Morry  
Mary J. Morry  
Registration No. 34,398

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(212) 758-4800 Telephone  
(212) 751-6849 Facsimile

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Pavlakis et al. Group Art Unit: TBA  
Serial No. : TBA Examiner: TBA  
Filed : August 31, 2001  
For : METHOD OF ELIMINATING INHIBITORY/INSTABILITY  
REGIONS OF mRNA

**TRANSMITTAL LETTER**

COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
Washington, D.C. 20231

Sir:

I hereby certify that the attached

1. Express Mail Certificate, Express Mail Label No. EL912003644US
2. UTILITY APPLICATION AND APPLICATION FEE TRANSMITTAL (2 copies) (1.53(b)) (2 copies), including copy of Patent Application (including 86 pages of specification; 7 pages of claims (claims 1-45), 1 page of Abstract; and 18 sheets of drawings (Figs. 1-14)
3. Check for Filing Fee of \$1492.00
4. Declaration and Power of Attorney (executed 10/24/94) copied from prior application
5. Associate Power of Attorney (executed 4/27/95) copied from prior application
6. Assignment Papers (executed May 13, 1993) copied from prior application
7. Amendment Fee Transmittal (2 copies), including check for \$232.00
8. PRELIMINARY AMENDMENT PURSUANT TO 37 C.F.R. 1.111 AMENDING CLAIMS, UPDATING INFORMATION CONCERNING RELATED APPLICATIONS, AND ADDING SEQUENCE LISTING, including pages 87-120 of the sequence listing containing the sequences (Exhibit A); a Letter Requesting Transfer of Computer Readable Form of Sequence Listing Filed in Parent Application 09/678,437, filed October 2, 2000 (Exhibit B); Statement under 37 C.F.R. §1.821(f) or 1.825(b) or (d) that the paper sequence listing and the computer readable form containing the sequence listing submitted herewith are identical (Exhibit C); and copies of the Supplemental Combined Declaration and Power of Attorney (1/28/98 and 1/29/98), Associate Power of Attorney (2/25/98), and Change of Correspondence Address (2/25/98) forms (Exhibit D)
9. Copy of U.S. Patent Nos. 6,114,148; 5,786,464 and 5,795,737
10. Return Receipt Postcard

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2026-4006US5. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Dated: August 31, 2001  
Mailing Address:  
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

By: Mary J. Morry  
Mary J. Morry  
Registration No. 34,398

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Pavlakis et al. Group Art Unit: TBA  
Serial No. : TBA Examiner: TBA  
Filed : August 31, 2001  
For : METHOD OF ELIMINATING INHIBITORY/INSTABILITY  
REGIONS OF mRNA

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EL912003644US

Date of Deposit August 31, 2001

I hereby certify that the following attached paper(s) and/or fee

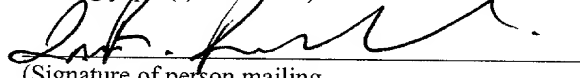
1. Transmittal Letter (2 copies)
2. UTILITY APPLICATION AND APPLICATION FEE TRANSMITTAL (1.53(b)) (2 copies), including copy of Patent Application (including 86 pages of specification; 7 pages of claims (claims 1-45), 1 page of Abstract; and 18 sheets of drawings (Figs. 1-14)
3. Check for Filing Fee of \$1492.00
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9. Copy of U.S. Patent Nos. 6,114,148; 5,786,464 and 5,795,737
10. Return Receipt Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, BOX PATENT APPLICATION, Washington, D.C. 20231.

CORRESPONDENCE ADDRESS:  
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800

Jesus Raul Remedios

(Typed or printed name of person  
mailing paper(s) and/or fee)

  
(Signature of person mailing  
paper(s) and/or fee)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant** : Pavlakis, et al. **Group Art Unit:** To be assigned  
**Serial No.** : To be assigned **Examiner:** To be assigned  
**Filed** : August 31, 2001  
**For** : **METHOD OF ELIMINATING INHIBITORY/INSTABILITY  
 REGIONS OF mRNA**

AMENDMENT FEE TRANSMITTAL

ASSISTANT COMMISSIONER FOR PATENTS  
 Washington, D.C. 20231

Sir:

Transmitted herewith is an Preliminary Amendment Pursuant to 37 C.F.R. 1.111 for the above-identified application.

- ☐ No additional fee is required.  
☒ The additional fee has been calculated as shown below:

CLAIMS AS AMENDED

	Claims Remaining After Amendment		Highest No. Covered by Previous Payments	Present Extra	Rate	Additional Fee
Total* Claims	48	-	44	= 4	x \$18.00	\$ <u>- 72.00 -</u>
Independent Claims	6	-	4	= 2	x \$80.00	\$ <u>-160.00 -</u>
Multiple Dependent Claim(s)	(If claims added by amendment include Multiple Dependent Claim(s) and there was not Multiple Dependent Claims(s) in application before amendment add \$270.00 to additional fee.)					\$ <u>- 0 -</u>
					Total:	\$ <u>-232.00 -</u>

\* Includes all independent and single dependent claims and all claims referred to in multiple dependent claims. See 37 C.F.R. § 1.75(c).

- [ ] Statement of "Small Entity" Status Under 37 CFR § 1.27 filed \_\_\_\_\_.  
Reduced Fees Under 37 CFR § 1.9(f) (50% of total) paid herewith. \$ \_\_\_\_\_.
- [ ] Charge fee to Deposit Account No. 13-4500. Order No. \_\_\_\_\_.  
A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- [X] The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, including all fees pursuant to 37 C.F.R. § 1.17 for its timely consideration, or credit any overpayment to Deposit Account No. 13-4500. Order No. 2026-4006US5.  
A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- [ ] \_\_\_\_\_ Page(s) of substitute Sequence Listing
- [ ] \_\_\_\_\_ Computer disk(s) containing substitute Sequence Listing
- [ ] Statement under 37 C.F.R. § 1.825(b) that the computer and paper copies of the substitute Sequence Listing are the same.
- [X] A check in the amount of \$ 232.00 to cover the filing fee is attached.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: October 2, 2000

By: \_\_\_\_\_

*Mary J. Morry*  
Mary J. Morry  
Registration No. 34,398

CORRESPONDENCE ADDRESS:

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(212) 751-6849 Facsimile

FORM: AMD-TRAN.NY  
Rev. 11/13/98